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## FACSIMILE TRANSMISSION

### CONFIDENTIAL

DATE: November 3, 2003

CLIENT-MATTER No.: 23540-07445

TO:

NAME	FAX NO.	PHONE NO.
Chenyne D. Ly U.S. Patent and Trademark Office	703-308-4242	

FROM: Michael J. Shuster PHONE: (415) 875-2413

SENT BY: Cheryl Leger PHONE: (415) 875-2495

RE: U.S. Patent Application No. 09/955,663

NUMBER OF PAGES WITH COVER PAGE: 4	ORIGINAL WILL NOT FOLLOW
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MESSAGE:

**In Re: U.S. Patent Application No. 09/955,663  
 RESPONSE TO RESTRICTION REQUIREMENT**

### CAUTION - CONFIDENTIAL

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23540/07445/SF/5109699.1

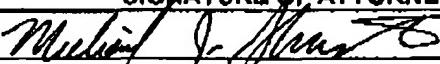
PTO/SB/21 (modified)  
Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office		Application Number	09/955,663
			Filing Date	September 19, 2001
			First Named Inventor	David M. Rock, et al.
			Group Art Unit Number	1631
			Examiner Name	Cheyne D. Ly
Total Number of Pages in This Submission		3	Attorney Docket Number	23540-07445

<b>ENCLOSURES (check all that apply)</b>	
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**REMARKS:**

<b>SIGNATURE OF ATTORNEY OR AGENT</b>		
Signature:		
Attorney/Reg. No.:	Michael J. Shuster Reg. No. 41,310	Dated: Nov. 3, 2003

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PATENT AND TRADEMARK OFFICE

NOV 03 2003

FIRST NAMED APPLICANT:	David M. Rocke	<i>Office</i>
APPLICATION NO.:	09/955,663	
FILING DATE:	September 19, 2001	
TITLE:	METHOD FOR DETERMINING MEASUREMENT ERROR FOR NUCLEIC ACID MICROARRAYS	
EXAMINER:	C. Dune Ly	
GROUP ART UNIT:	1631	
ATTY. DKT. NO.:	23540-07445/US (PLEASE NOTE NEW DOCKET NUMBER)	
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<input checked="" type="checkbox"/> transmitted on the date shown below via facsimile to the attention of: Examiner Ly facsimile number 703-308-4242		
Dated: <u>November 3, 2003</u>	By: <u><i>Michael J. Shuster</i></u> Michael J. Shuster, P.L.D., Reg. No.: 41,310	

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**RESPONSE (37 C.F.R. § 1.111)**

SIR:

Responsive to the Office Action dated October 2, 2003 received in the above-identified patent application, please enter the following species election. Because November 2, 2003 fell on a Sunday, this Response is timely filed.

Attorney Docket No.:23540-07445/US  
Client Ref.:2001-072-2  
Application No.:09/955,663

**REMARKS****STATUS OF THE CLAIMS**

Claims 1-14 are pending in this application.

**ELECTION/RESTRICTION REQUIREMENT**

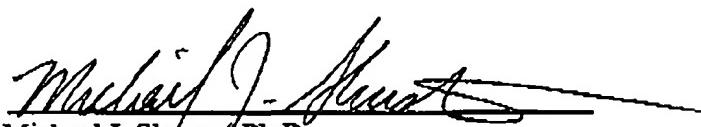
Pursuant to the species election restriction requirement, applicant elects for prosecution on the merits the species of claim 8. Claims 9-12 are readable on this species, while claims 1-8 are generic. The species election is made without traverse.

**CONCLUSION**

Reconsideration of the claims is respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this Response, the Examiner is invited to telephone Applicants' representative at (415) 875-2413.

Respectfully submitted,  
THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA

Dated: November 3, 2003

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